

### **REMARKS**

Claims 1-41 were previously pending in this application. Claims 33-41 were withdrawn in Applicants' July 7, 2006 response to the Examiner's restriction requirement. Claims 24-32 were allowed in the Office Action mailed June 6, 2007. Claims 4, 16, 17, and 19 have been amended. No new claims have been added. As a result claims 1-23 are pending for examination with claims 1, 4, 16, 17, and 19 being independent claims. No new matter has been added.

#### **Allowable Subject Matter**

In the Office Action, the Examiner indicated that claims 24-32 are allowed and that claims 4-14 and 16-23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

In response, Applicants have rewritten claims 4, 16, 17, and 19 in independent form. Claims 5-14, 18, and 20-23 depend directly or indirectly from amended claims 4, 17, and 19 respectively. Accordingly, withdrawal of the objection to claims 4-14 and 16-23 as being dependent upon a rejected base claim and allowance of these claims is respectfully requested.

#### **Rejections Under 35 U.S.C. §102**

The Office Action rejected claims 1-3 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,462,961 to Johnson et al. (hereinafter "Johnson"). Applicants respectfully traverse the rejection.

#### **The Disclosure of Johnson**

Johnson is directed to modular electronic equipment assemblies, and more particularly to mounting equipment and brackets for such modular electronic equipment. (Col. 1, lines 15-18.) Johnson discloses a modular electronic component housing 124 with multiple mounting holes 126, 128, 138 and mounting hole patterns, 130, 132, 134, 136, 137, 140, 142 (Figs. 2-5) and a universal mounting bracket 100. The mounting bracket has multiple mounting holes that may align with mounting hole patterns on the modular electronic component housing 124. (Fig. 1.) Johnson discloses that a modular component equipment assembly having universal mounting brackets may be mounted in standard 19 and 23 inch rack mount chassis, telephone company-type (telco) chassis, tower mount configurations, and wall mount configurations. (Col. 2, lines

58-61.) Johnson discloses joinder plates 154 which may be utilized to hold the equipment in a tower-mount configuration (Col 10, lines 31-33) and aesthetic cover plates 156<sub>a,b</sub> that may cover the various holes in the universal mounting bracket 100. (Col. 10, lines 37-40.)

Johnson further discloses a modular uninterruptible power supply (UPS) system for supplying electric power from line voltage and external batteries. This UPS system includes an UPS module and a plurality of universal mounting brackets. These brackets are adapted to couple to the UPS module in a first position to enable mounting of the UPS module in a first rack mount chassis, in a second position to enable mounting of the UPS module in a second rack mount chassis wider than the first rack mount chassis, in a third position to enable mounting of the UPS module in a tower mount configuration, in a fourth position to enable mounting of the UPS module on a wall, and in a fifth position to enable mounting of the UPS module in a telco rack mount. (Col. 4, line 64 – Col. 5, line 10.)

However, Johnson fails to disclose any UPS system comprising **one or more frame components**, of which a first frame component is adapted to hold **at least one of a plurality of modules including at least one power module and at least one battery module**, the frame component being capable of being installed as a stand alone unit or being installed as part of a rack-mounted system, **a UPS system which includes a second frame component, the second frame component being adaptively coupled to the first frame component** and being capable of holding one or more modules, a UPS system wherein the second frame component is adaptively coupled to the first frame component by **at least two support members attached to respective side portions of the first frame component and the second frame component**, nor a UPS system wherein the first frame component, if configured in a stand-alone unit, further comprises **a plurality of covers, at least one of which is coupled to an exterior surface of the first frame component**.

#### Claims 1-3 and 15 Patentably Distinguish Over Johnson

Claim 1 is directed to an uninterruptible power supply (UPS) system comprising **one or more frame components**, of which a first frame component is adapted to hold **at least one of a plurality of modules including at least one power module and at least one battery module**.

The Office Action cites Johnson for teaching an uninterruptible power supply system comprising one or more frame components 124. However, Johnson discloses no such frame

component. The element that the Office Action refers to as a frame component (element 124) is not a frame component at all, but rather a modular electronic component housing. (see, for example, Col. 8 lines 59-60.) Thus, Johnson does not teach a UPS system comprising “one or more frame components” as recited in claim 1. Further, Johnson fails to disclose that this modular electronic component housing is “adapted to hold at least one of a plurality of modules including at least one power module **and at least one battery module**” as recited in claim 1. In fact, the only mention of any batteries at all in Johnson is in claim 18 and in Col 4, line 66, where batteries for a UPS system are described as being **external** to a modular UPS system.

Accordingly, claim 1 patently distinguishes over Johnson and the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Johnson should be withdrawn.

Claims 2, 3, and 15 depend either directly or indirectly from claim 1 and patently distinguish over Johnson for at least the same reasons as claim 1. Moreover, these claims patently distinguish over Johnson for a number of additional reasons.

For example, claim 2 recites a UPS system including a first and a second frame component, the second frame component being adaptively coupled to the first frame component and being capable of holding one or more modules. Although Johnson discloses that brackets may be used to couple to a UPS module in a first position to enable mounting of the UPS module in a first rack mount chassis, in a second position to enable mounting of the UPS module in a second rack mount chassis wider than the first rack mount chassis, and in a third position to enable mounting of the UPS module in a tower mount configuration (Col. 5, lines 2-7), Johnson fails to disclose any second frame component, let alone a second frame component adaptively coupled to a first frame component and being capable of holding one or more modules. The section of Johnson cited by the Examiner for this proposition simply reads: “In a alternate embodiment of the invention, a modular uninterruptible power supply (UPS) system for supplying electric power from line voltage and external batteries is presented.” (Col. 4, lines 64-67.) This provides no support whatsoever for the proposition that Johnson discloses a UPS system including a first and a second frame component, the second frame component being adaptively coupled to the first frame component and being capable of holding one or more modules. Accordingly, claim 2 further patently distinguishes over Johnson and the rejection of claim 2 under 35 U.S.C. §102(b) as being anticipated by Johnson should be withdrawn.

Claim 3 recites a UPS system including a first and a second frame component, the second frame component being adaptively coupled to the first frame component and being capable of holding one or more modules, wherein the second frame component is adaptively coupled to the first frame component by at least two support members attached to respective side portions of the first frame component and the second frame component. Johnson discloses joinder plates 154 which may be utilized to hold equipment in a tower-mount configuration (Col 10, lines 31-33), however the equipment that Johnson discloses these joinder plates 154 as capable of holding together are modular electronic component housings 124 (Col. 10, lines 29-32; Fig. 10.) or UPS modules (Col. 5 lines 16-19), not frame components of a UPS system. Accordingly, claim 3 further patently distinguishes over Johnson and the rejection of claim 3 under 35 U.S.C. §102(b) as being anticipated by Johnson should be withdrawn.

Claim 15 recites an uninterruptible power supply (UPS) system comprising one or more frame components where the first frame component, if configured in a stand-alone unit, further comprises a plurality of covers, at least one of which is coupled to an exterior surface of the first frame component. Johnson discloses aesthetic cover plates 156<sub>a,b</sub>, however these aesthetic cover plates 156<sub>a,b</sub> are disclosed as being capable of covering the various holes in a universal mounting bracket 100 (Col. 10, lines 37-40), and these are not capable of covering any frame component of any UPS system. Accordingly, claim 15 further patently distinguishes over Johnson and the rejection of claim 15 under 35 U.S.C. §102(b) as being anticipated by Johnson should be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,  
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